Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz	)	ET Docket No. 10-142
	)	
Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band	)	WT Docket No. 07-195
	)	
Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025MHz and 2175-2180 MHz Bands	)	WT Docket No. 04-356

COMMENTS OF NEW DBSD SATELLITE SERVICES G.P.

I. INTRODUCTION

New DBSD Satellite Services G.P., Debtor-in-Possession ("DBSD"),[1] a mobile satellite service ("MSS") operator authorized to provide satellite and ancillary terrestrial component ("ATC") services in the 2 GHz band, also referred to as the S Band, submits these comments in response to the Public Notice issued in the above-captioned proceedings.[2] In its Public Notice,

[1] DBSD, together with its indirect parent DBSD North America, Inc. ("DBSD NA") and certain other subsidiaries of DBSD NA, filed for Chapter 11 protection on May 15, 2009. On February 1, 2011, DBSD entered into an investment agreement with DISH Network Corporation ("DISH") to provide it with a means for restructuring and emerging from bankruptcy. The agreement was subsequently modified and approved by the Bankruptcy Court on March 15, 2011. The Bankruptcy Court confirmed DBSD's plan of reorganization on July 5, 2011. On April 8, 2011, DBSD, DBSD NA, DISH, and IGO Global Communications GP filed a joint application for authority to transfer control over the licenses and authorizations held by DBSD ("transfer application"). If the reorganization is successfully completed and the Commission approves the transfer application, DBSD will become indirectly and wholly owned by DISH.

[2] *See Spectrum Task Force Invites Technical Input on Approaches to Maximize Broadband Use Of Fixed/Mobile Spectrum Allocations in the 2 GHz Range*, Public Notice, ET Docket No. 10-142, WT Docket Nos. 04-356, 07-195, DA 11-929 (rel. May 20, 2011) ("*Public Notice*").

the Spectrum Task Force (the "Task Force") seeks technical input on approaches to encourage the growth of terrestrial mobile broadband services in the 2 GHz spectrum range that is allocated for fixed and mobile use. In brief, first, the Commission's rules should facilitate the production of equipment capable of operating across the S-band, and thus foster economies of scale. Second, the Commission should take precautions necessary to protect MSS/ATC operators from harmful interference by future Advanced Wireless Service ("AWS") providers. Harmonious operation of services can be achieved in these bands with appropriate guidelines and protections.

DBSD has demonstrated its commitment to the development of a robust MSS/ATC communications network in the S-Band through significant investment, technological innovations and real-world validation of advanced service offerings. MSS/ATC combines the unique advantages of ubiquitous satellite coverage with the capabilities of terrestrial wireless broadband networks. As a result, MSS/ATC is uniquely positioned to provide high-speed terrestrial broadband services and differentiated products, including advanced data, messaging, and machine-to-machine communications services to areas where terrestrial coverage does not exist or is otherwise insufficient to fulfill demand. MSS/ATC also provides critical lifeline and restoration communication links during emergencies and natural disasters when terrestrial networks are unavailable.

DBSD supported the Commission's efforts to add co-primary terrestrial fixed and mobile allocations to the 2 GHz MSS band as it may lead to beneficial use of the band for both satellite and terrestrial services. As discussed in the record, MSS operators have invested billions of dollars to enable terrestrial broadband services in the MSS bands while also enabling ubiquitous advanced satellite communications. The S Band in particular is ideal for advanced satellite communications and terrestrial broadband because such services can be complementary.

Specifically, the terrestrial system provides significant broadband capacity in heavily populated areas and delivers lower cost equipment through economies of scale, and the MSS system provides services primarily outside of terrestrial coverage and cost-effectively serves large, underserved rural areas. The Commission's proposal to increase the spectrum available within the 2 GHz range could enhance the S Band ecosystem and spur deployment of wireless broadband services.

II. THE COMMISSION SHOULD DEVELOP A COHESIVE APPROACH THAT MAXIMIZES THE BROADBAND POTENTIAL OF SPECTRUM IN THE 2 GHz RANGE

With the pressing need to add new spectrum to support advanced services, manufacturers already are developing equipment that operates in multiple frequency bands. Commission action to harmonize the specifications of using the 2 GHz spectrum, whether AWS or MSS, would significantly improve the scale economies and availability of S Band infrastructure and devices and enable a more rapid delivery of broadband and advanced services to the consumer.

Additionally, spectrum in the 2 GHz range is well-suited to carry multiple Long Term Evolution ("LTE") or other broadband carriers sufficient to support robust broadband networks and supplement existing or developing networks. S band standardization efforts have resulted in the recent completion of 3GPP Band 23 for LTE. [3] LTE can be flexibly deployed in this spectrum range; for example, in addition to 10 megahertz carriers, five megahertz carriers and variable duplex spacing are part of current work providing complementary capabilities for broadband deployment scenarios.

III. NEW TERRESTRIAL USE OF SPECTRUM IN THE 2 GHZ RANGE MUST PROTECT INCUMBENT LICENSEES' MSS/ATC OPERATIONS

[3] *See* 3GPP, *RP-110812 - CRs for Adding 2 GHz band LTE for ATC of MSS in North America, Core part* (May 30, 2011), *available at* http://www.3gpp.org/ftp/tsg_ran/TSG_RAN/TSGR_52//Docs/RP-110812.zip.

Existing operational S Band MSS satellites transmit in the 2180-2200 MHz band and receive in the 2000-2020 MHz band. Measures can be adopted both to protect MSS operations from interference and promote terrestrial broadband deployment in the 2 GHz band. For example, harmonized operations (*e.g.* adjacent band uplink and downlink transmissions operating in the same direction and with compatible power levels and emissions) can mitigate out-of-band interference to S Band MSS operations. It is likely that the most efficient deployment scenarios for spectrum in this range will be harmonized with S Band operations leading to greater benefits for complementary MSS and terrestrial wireless services in the band. Coordination with existing S Band licensees may be warranted in some circumstances, but with sufficient guidance from the Commission in advance on the expectations and rights of licensees in the band, coordination through industry practice can likely be achieved.

ATC operations in the S Band should be likewise protected. DBSD's ATC base station transmissions are expected to be harmonized with likely operations in adjacent spectrum.[4] Should the Commission license spectrum in the 2155-2180 MHz range as downlink or as flexible-use spectrum, licensees would make the most efficient use of their spectrum as base station transmit/mobile receive, in harmony with the surrounding blocks; and there would be no guard band requirements for base/mobile transmit boundary transitions. Should the Commission license new spectrum around the lower band portions in the 2 GHz range as uplink spectrum, operations would be similarly harmonized with S Band MSS/ATC operations. Should the Commission choose to license the spectrum as flexible-use as has been done in more recent

[4] DBSD's ATC authorization and related waivers allow for AWS-like service rules. *See New ICO Satellite Services G.P.*, Order and Authorization, 24 FCC Rcd 171, ¶ 40 (IB 2009) ("As a general matter, we conclude that, insofar as the requested waivers would not result in harmful interference and would comport with the Commission's established requirements for comparable terrestrial services, granting the waivers will serve the public interest by enabling [DBSD] to operate more efficiently and provide more valuable service.").

auctions such as the 700 MHz auction, new licensees would need to work with international standards bodies to coordinate terrestrial coexistence with surrounding bands.

Spectrum bands adjacent to the S Band should be evaluated to ensure co-existence and coordination requirements that facilitate production of equipment and use of the full range of 2 GHz spectrum for mobile broadband. Guidelines may also be needed to ensure agreements with operators in adjacent and nearby bands result in optimum broadband capacity.

IV. CONCLUSION

DBSD supports the Task Force's efforts to enhance the value and capabilities of the S Band and looks forward to participating in future Commission initiatives in these proceedings.

Respectfully submitted,

NEW DBSD SATELLITE SERVICES G.P.,
DEBTOR-IN-POSSESSION

/s/ Peter A. Corea

Peter A. Corea
Vice President, Regulatory Affairs
11700 Plaza America Drive, Suite 1010
Reston, VA 20190
(703) 964-1400

July 8, 2011